

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CASE NO.: 24-598

ERIC LEE BOWERS,

Plaintiff,

v.

THOMAS ANDREW ADDLEMAN L.L.C,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff ERIC LEE BOWERS by and through his undersigned counsel, brings this Complaint against Defendant THOMAS ANDREW ADDLEMAN L.L.C for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff ERIC LEE BOWERS (“Bowers”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Bowers' original copyrighted Work of authorship.
2. Eric Bowers is a Kansas City-based photographer specializing in architecture, real estate, construction, travel, and aerial photography. His clients include developers and architects, hospitality and tourism groups, and publishing and marketing companies
3. Defendant THOMAS ANDREW ADDLEMAN L.L.C (“Addleman”) is upon information and belief the owner of the internet website located at the URL

www.creditlawcenter.com (the “Website”). Credit Law Center is a credit repair law firm located in Lee's Summit, Missouri.

4. Bowers alleges that Defendant copied Bowers’s copyrighted Work from the internet in order to advertise, market and promote its business activities.

Addleman committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the Addleman's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.
6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).
7. Defendant is subject to personal jurisdiction in Missouri.
8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Addleman engaged in infringement in this district, Addleman resides in this district, and Addleman is subject to personal jurisdiction in this district.

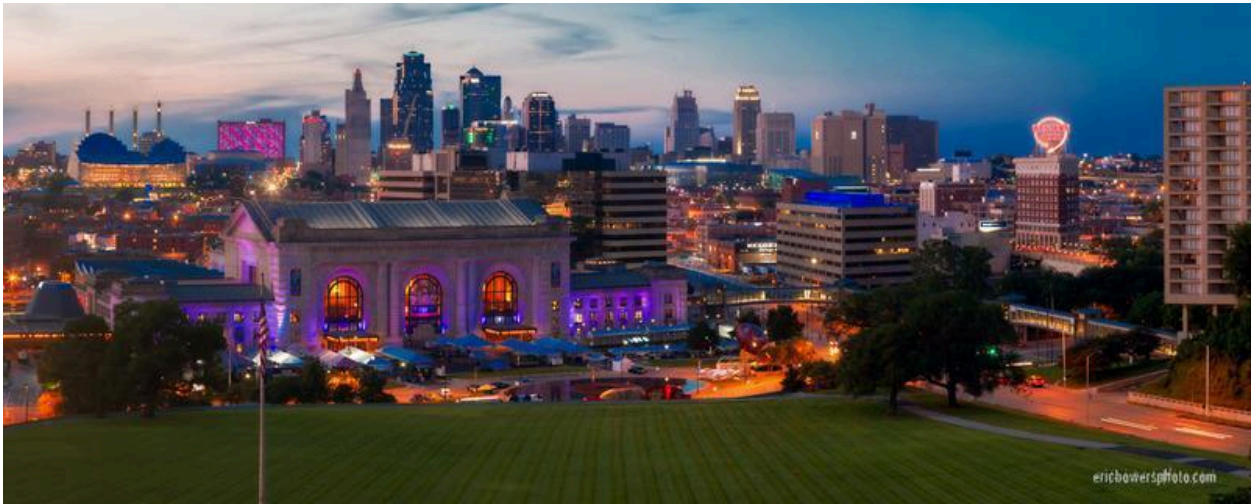
DEFENDANT

9. Thomas Andrew Addleman L.L.C is a Missouri Limited Liability Company, with its principal place of business at 4041 NE Lakewood Way, Suite 104, Lee's Summit, Missouri, 64064, and can be served by serving its Registered Agent, Thomas Addleman, at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2015, Bowers created the photograph entitled

“city_skyline_with_union_station_panorama_downtown_kansas_city-1,” which is shown below and referred to herein as the “Work”.



11. At the time Bowers created the Work, Bowers applied copyright management information to the Work consisting of the words “ericbowersphoto.com” to the bottom right corner.

12. Bowers registered the Work with the Register of Copyrights on September 11, 2015, and was assigned registration number VA 1-980-468. The Certificate of Registration is attached hereto as **Exhibit 1**.

13. At all relevant times Bowers was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY ADDLEMAN

14. Addleman has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Addleman copied the Work.
16. On or about May 17, 2024, Bowers discovered the unauthorized use of his Work on the Website.
17. Addleman copied Bowers' copyrighted Work without Bowers' permission.
18. After Addleman copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its credit repair law business.
19. Addleman copied and distributed Bowers' copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.
20. Bowers' Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.
21. Addleman committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.
22. Bowers never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.
23. Bowers notified Addleman of the allegations set forth herein on June 3, 2024. To date, the parties have failed to resolve this matter.
24. When Addleman copied and displayed the Work at issue in this case, Addleman removed Bowers' copyright management information from the Work by cropping

out the portion of the photograph with Bowers' copyright management information.

25. Bowers never gave Addleman permission or authority to remove copyright management information from the Work at issue in this case.

COUNT I
COPYRIGHT INFRINGEMENT

26. Bowers incorporates the allegations of paragraphs 1 through 25 of this Complaint as if fully set forth herein.

27. Bowers owns a valid copyright in the Work at issue in this case.

28. Bowers registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

29. Addleman copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Bowers' authorization in violation of 17 U.S.C. § 501.

30. Addleman performed the acts alleged in the course and scope of its business activities.

31. Defendant's acts were willful.

32. Bowers has been damaged.

33. The harm caused to Bowers has been irreparable.

COUNT II
REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION

34. Bowers incorporates the allegations of paragraphs 1 through 25 of this Complaint as if fully set forth herein.

35. The Work at issue in this case contains copyright management information (“CMI”).

36. Addleman knowingly and with the intent to enable or facilitate copyright infringement, removed CMI from the Work at issue in this action in violation of 17 U.S.C. § 1202(b).

37. Addleman committed these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of Bowers' rights in the Work at issue in this action protected under the Copyright Act.

38. Addleman caused, directed and authorized others commit these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of Bowers' rights in the Work at issue in this action protected under the Copyright Act.

39. Bowers has been damaged.

40. The harm caused to Bowers has been irreparable.

WHEREFORE, the Plaintiff ERIC LEE BOWERS prays for judgment against the Defendant THOMAS ANDREW ADDLEMAN L.L.C that:

- a. Addleman and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;
- b. Addleman be required to pay Bowers his actual damages and Defendant's profits attributable to the infringement, or, at Bowers' election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203

- c. Bowers be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Bowers be awarded pre- and post-judgment interest; and
- e. Bowers be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Bowers hereby demands a trial by jury of all issues so triable.

Dated: September 13, 2024

Respectfully submitted,

/s/ Richard A. Voytas

RICHARD A. VOYTAS

Bar Number: 52046

rick@voytaslaw.com

VOYTAS LAW LLC

7321 South Lindbergh Boulevard

Suite 400

St. Louis, MO 63125

314 380.3166 - Telephone

and

J. CAMPBELL MILLER (*Pro Hac Vice*
forthcoming)

campbell.miller@sriplaw.com

SRIPLAW, P. A.

231 South Rangeline Road

Suite H

Carmel, Indiana 46032

332.600.5599 – Telephone

561.404.4353 – Facsimile

Counsel for Plaintiff Eric Lee Bowers